IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1745 OF 2003

Kanaklata D. Sarvaiya .. Petitioner
Versus
Mrs.Laxmiben A. Ganatra & Ors. .. Respondents

WITH

CRIMINAL WRIT PETITION NO.1746 OF 2003

Medha D. Sarvaiya .. Petitioner
Versus
Mrs.Laxmiben A. Ganatra & Ors. .. Respondents

WITH

CRIMINAL WRIT PETITION NO.1747 OF 2003

Ketan D. Sarvaiya .. Petitioner
Versus
Mrs.Laxmiben A. Ganatra & Ors. .. Respondents

Ms.Sonal i/b. A.K.Bakshi for petitioner
Mr.Harshad Bhadbhade for respondent No.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 29th September 2006.

P.C.

. Mr.Bhadbhade appearing for original complainant has pointed out to me that pursuant to the ad-interim orders granted by this Court on this petition, an application was preferred for vacating the same as also seeking permission to add the applicant as respondent No.1(A) as original complainant had expired.

2. He also contends that the applicant herein had applied for discharge but those applications were dismissed by the trial court and this fact is suppressed in this petition. He further submits that a charge is framed and the matter is set down for recording evidence and in fact affidavit in lieu of examination in chief of original complainant is also placed on record.

3. Be that as it may, as Mr.Bhadbhade submits that the original complainant having expired, an application for substituting

respondent No.1-A in his place being moved and pending, it would be appropriate to dispose of these petitions with a direction that the trial court shall first take up for consideration the application for substitution and pass appropriate orders thereon in accordance with law. The application for substitution be disposed of within a period of four weeks from the date of receipt of copy of this order. It would be open for the petitioner to raise all contentions as are raised in the present application along with liberty to oppose substitution. All such pleas would be considered by the learned Magistrate who shall, then, pass appropriate orders in accordance with law. Present petition is disposed of with liberty as above. All contentions are expressly kept open.

(S.C.Dharmadhikari, J)